

REMARKS

Claims 1-10 were originally filed in this application. In this response, claims 1-10 have been amended. No new matter has been added. Indeed, the term “structure” is commonly used. Each of the depicted devices has a “structure” having a surface thereon and a heat conducting medium having certain properties, *see, e.g.*, FIGS. 1-7. Accordingly, claims 1-10 are currently under consideration.

Double Patenting

Claims 1-10 stand rejected under the judicially created doctrine of double patenting over claims 1, 11, 12, and 29 of U.S. Patent No. 6,132,823. Applicant will reply to this rejection when allowable subject matter has been indicated. Until then, Applicant has no way of knowing whether a rejection under judicial double patenting is proper or whether submission of a terminal disclaimer under 37 C.F.R. §1.321 would be appropriate.

Rejections under 35 U.S.C. §102

Claims 1 and 5 stand rejected under 35 U.S.C. §102(a) as anticipated by U.S. Patent Nos. 4,857,675 to Marancik *et al.* (“Marancik”) and 5,450,266 to Downie (“Downie”). With respect to Marancik, the Office Action states that “Marancik clearly teaches that the ‘objects of the invention are to attain a high heat transfer’, which the examiner believes would read on the instantly claimed invention.” With respect to Downie, the Office Action asserts that “Downie clearly teaches an ‘enhanced heat transfer surface’ which the examiner believes would read on the instantly claimed invention.”

As argued in Applicant’s last Response to Office Action, the rejections under 35 U.S.C. §102 are improper and should be withdrawn. To be anticipatory, a reference must teach each and every element of the claimed invention. Claim 1 recites a heat transfer structure having a conductive medium that has a “thermal conductivity substantially greater than silver.” Claim 6 recites a heat transfer structure comprising a substrate having a heat conducting medium thereon,

which has "a thermal conductivity which substantially increases above an activation temperature."

The undersigned spoke with the Examiner to discuss the instant references. During that conversation, the Examiner agreed that neither Marancik nor Downie teach the heat transfer structures recited in claims 1 and 6. In addition, the Examiner made some suggestions about rewording of the claims. Claims 1-10 have been amended in accordance with these suggestions.

In view of the foregoing, Applicant respectfully requests that the rejections under 35 U.S.C. §102 be withdrawn.

CONCLUSION

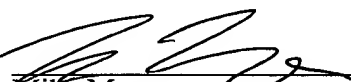
Applicant has responded to each matter of substance raised in the outstanding Office Action. Accordingly, reconsideration and allowance of the pending claims is respectfully requested. If a telephone conversation would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 458172000100.

Respectfully submitted,

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